

REMARKS

This supplemental amendment is being submitted in view of indication by the Examiner that claim 7 would again be rejected but that claim 7 amended to include claim 14 would be allowable. Accordingly, claim 7 is amended here to include the limitation of claim 11 and new claim 16 is added to reflect the claim indicated by the Examiner to be allowable. It is noted that claim 11 was not rejected in the official action mailed June 23, 2008.

The outstanding rejections based on art are as follows:

- (1) Claims 7, 9 and 13 under 35 U.S.C. §102(b) over WO 93/21115 (Bellinger);
- (2) Claims 8, 10 and 12 under 35 U.S.C. §103(a) over Bellinger as applied above and further in view of U.S. Patent No. 3,546,111 (Busch);
and
- (3) Claim 14 under 35 U.S.C. §103(a) over Bellinger as applied above and further in view of U.S. Patent No. 5,944,986 (Saho).

Claim 7 is the sole independent claim and, as noted above, claim 7 has been amended to incorporate the limitation of claim 11 and provide that in the claimed

process for suppressing growth of green algae in an aqueous system comprising recovering carbon dioxide from industrial produced waste containing carbon dioxide, the carbon dioxide is produced by burning of fossil fuels or of lime. The process further provides treating water of an aqueous system with the carbon dioxide recovered from the industrial produced waste to acidify the water.

Bellinger, the primary reference in each of the rejections, teaches a method of improving the quality of a body of water by providing a pH modifying agent, preferably carbon dioxide, in the water. Bellinger does not teach or suggest recovering carbon dioxide from industrial produced waste containing carbon dioxide, in particular not from the burning of fossil fuels or lime, and treating water of an aqueous system with that carbon dioxide recovered from said industrial produced waste as claimed. Bellinger is silent as to recovering carbon dioxide from industrial produced waste containing carbon dioxide. Accordingly, Bellinger does not teach each and every element of the claimed process within the meaning of 35 U.S.C. §102. Withdrawal of the §102 rejection is respectfully requested.

Bellinger is also applied in combination with Busch to reject dependent claims 8, 10 and 12 under 35 U.S.C. §103(a). Busch is relied on for teaching the

additional limitations of claims 8, 10 and 12. Busch does not make up for the shortcomings of Bellinger as set forth above. Busch discloses a process for the treatment of waste water, e.g., streams, by reducing the quantity of bio-degradable organic material in the waste stream. The solid material present in the waste stream is passed through a filter and received in a catch basin and aerated. Thereafter, the stream is flowed to a basin for treatment with lime to precipitate dissolved inorganic material and coagulate and settle suspended solid material. The precipitated and settled materials are then removed, dewatered and calcined to regenerate the lime and decompose the organic material. Ash material is then separated from the lime and regenerated lime recycled to the lime treatment basin as needed. Stack gases produced from the decomposition of the organic material and regeneration of the lime is used to adjust the pH of the final effluent to a neutral state (see column 2, lines 13-31).

Busch does not teach or suggest recovering carbon dioxide from industrial produced waste containing carbon dioxide and treating water of an aqueous system with said carbon dioxide recovered from said industrial produced waste as claimed for suppressing the growth of green algae in an aqueous system, in particular wherein the carbon dioxide is

produced by burning of fossil fuels or of lime. Neither Bellinger nor Busch provide any suggestion to modify the teachings of Bellinger or Busch in order to obtain the claimed process. Accordingly, Bellinger in combination with Busch does not render the claimed process obvious within the meaning of 35 U.S.C. §103(a). Withdrawal of the §103 rejection is respectfully requested.

Bellinger is also applied in combination with Saho to reject dependent claim 14 under 35 U.S.C. §103(a). Saho is relied on for teaching the additional limitations of claim 14. Saho does not make up for the shortcomings of Bellinger as set forth above. Saho discloses a magnetic separation apparatus which coagulates substances to be removed in liquid by adding magnetic substances and a flocculent to the liquid to be treated and adsorbs and captures the thus obtained magnetic aggregates by utilizing a magnetic field of the magnetic substances which move relative to the liquid to be treated.

Saho does not teach or suggest recovering carbon dioxide from industrial produced waste containing carbon dioxide and treating water of an aqueous system with said carbon dioxide recovered from said industrial produced waste as claimed, in particular wherein the carbon dioxide is produced by burning of fossil fuels or of lime. Neither

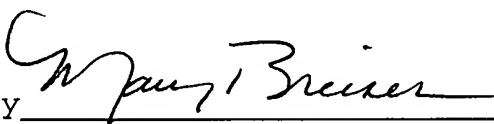
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Bellinger nor Saho provide any suggestion to modify the teachings of Bellinger or Saho in order to provide the claimed process. Accordingly, Bellinger in combination with Saho does not render the claimed process obvious within the meaning of 35 U.S.C. §103(a). Withdrawal of the §103 rejection is respectfully requested.

Reconsideration and allowance of the claims is respectfully requested.

Respectfully submitted,

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